



WEEKLY NEWS ROUND UP  
**DEMOCRACY REFORM TASK FORCE**  
REP. JOHN SARBANES, CHAIR

**JANUARY 31, 2020**

**NATIONAL NEWS**

[D.C. STATEHOOD IS ABOUT TO GET ITS FIRST CONGRESSIONAL VOTE SINCE 1993](#)

**WAMU (ONLINE)**

Members of Congress will soon vote on whether D.C. should become the 51st state for the first time since 1993. D.C. Delegate Eleanor Holmes Norton, Mayor Muriel Bowser, and Council Chairman Phil Mendelson were flanked by House Oversight and Reform Chairwoman Carolyn Maloney on Thursday afternoon to announce that the oversight committee is scheduling a markup and vote for H.R. 51 on February 11. The bill is expected to be voted through committee and make it onto the House floor. Since joining the House of Representatives in 1991 as D.C.'s largely non-voting representative, Norton has introduced statehood legislation every legislative term. But in January 2019, Norton introduced this version of the bill with support from Speaker of the House Nancy Pelosi and a record number of co-sponsors for statehood legislation. Currently, the bill has 224 co-sponsors in the House, all Democrats except for Jeff Van Drew, the representative from New Jersey who has since switched parties to become a Republican.



## PUBLIC CAMPAIGN FINANCING IS A BRIGHT SPOT IN THE SHADOW OF CITIZENS UNITED

### **BRENNAN CENTER FOR JUSTICE**

Ten years ago, Citizens United opened the floodgates to essentially unchecked political spending by megadonors and corporate interests, drowning out the voices of everyday Americans. In the 2016 presidential election, fewer than 5,000 donors provided over half of all campaign funding, while money from the 5 million donors who gave less than \$200 made up just over one-fifth of donations. Power disproportionately rests in the hands of those who can pay. It's no wonder that most Americans are deeply dissatisfied with the state of our nation's campaign finance laws. But even in the face of unlimited spending, there are meaningful steps we can take to strengthen our democracy — the most powerful of which is public campaign financing.... At the federal level, a small-donor matching model is central to the democracy reform bill H.R. 1, which has been passed by the House and is now pending before the Senate. Cities and states are continuing to embrace public financing, with over a dozen jurisdictions adopting or strengthening programs in the last decade alone. They range from long-running programs in New York City, Arizona, and Connecticut to recently enacted ones in the District of Columbia and Denver. Evidence of public financing's benefits keeps coming. Here's a closer look at why we're hopeful this reform will continue to put power back into the hands of everyday Americans.

## RECORDING SHOWS THAT THE SWAMP HAS NOT BEEN DRAINED

### **THE NEW YORK TIMES**

It became such a central slogan of Donald J. Trump's 2016 campaign that at rallies his supporters would chant the three words representing his pledge to take on big donors and special interests: "Drain the swamp." But as President Trump ramps up his 2020 re-election bid, it is clear that he has tolerated if not fostered a swamp of his own in Washington, granting up-close access to deep-pocketed supporters and interest groups willing to write six- and seven-figure checks to his political operation. Some have used the opportunity to plead their cases directly to him. The latest evidence came over the weekend, with the release of a secret recording of an April 2018 dinner for major donors and

prospective donors to a super PAC supporting Mr. Trump. While news of the recording primarily focused on Mr. Trump's call for the removal of Marie L. Yovanovitch as ambassador to Ukraine after a donor claimed she had disparaged the president, the recording revealed that Mr. Trump engaged in policy discussions with many other donors pushing their own agendas.... The recording is a glimpse into a broader pattern in which the administration appointed industry lobbyists to key policymaking jobs, heeded the deregulatory wishes of big corporations and granted regular access to donors and influential political supporters. Some of the policies sought by the donors at the 2018 dinner have been subsequently introduced in Congress; it is unclear in those cases whether the president or the White House intervened.

## FEDERAL AGENCY SAYS IT DOESN'T TRACK FOREIGN SPENDING AT TRUMP HOTEL

### **YAHOO NEWS**

The federal government does not know how much money foreign governments and entities have spent at the Trump International Hotel in Washington, D.C., according to testimony from Emily W. Murphy, head of the General Services Administration, which is in charge of leasing federal buildings. Murphy also said that she did not know if the Trump Organization is preparing to sell its lease to the Old Post Office, the grand building that houses the hotel, to a foreign entity.... "This is a remarkable lack of curiosity on the part of GSA," said a plainly annoyed Rep. Peter DeFazio, D-Ore. Murphy, who was appointed by Trump, also said she had not read the legal memorandums written by GSA officials about the propriety of the Trump lease. Those memorandums remain secret, as do financial records relating to the hotel.

## SENATE FLOOR FIGHT BREAKS OUT OVER TRUMP LAWYER CLAIM ON FOREIGN DIRT

### **POLITICO**

Senate Intelligence Committee Chairman Richard Burr (R-N.C.) said he has "no problem" with a White House lawyer's argument that American politicians can accept damaging information on their opponents from a foreign country — a contention that fueled a heated back-and-forth late Thursday on the Senate floor.

White House Deputy Counsel Patrick Philbin told senators during Wednesday's session of President Donald Trump's impeachment trial that it was a "mistake" to believe that any information about a political opponent that originates from a foreign country amounts to improper interference in a U.S. election.

## [ELECTION OFFICIALS TO CONVENE AMID HISTORIC FOCUS ON VOTING AND INTERFERENCE](#)

### **NPR**

Top election officials from all 50 states are meeting in Washington this week to prepare for 2020 — a gathering amid widespread concern over whether the upcoming elections will be fair and accurate, as well as free of the kind of foreign interference that marred the 2016 campaign. Despite major government efforts to upgrade security, an NPR/PBS NewsHour/Marist poll found that about 41% of Americans surveyed do not think the country is prepared to protect the U.S. election system from another attack. Voters also say their biggest concern is disinformation, followed by voter fraud and voter suppression. Forty-four percent think it's likely that many votes will not actually be counted in 2020. While most voters have confidence in their state and local governments to run a fair election, 43% do not think those officials have done enough to make sure that there's no foreign interference. Many more blame President Trump. Fifty-six percent say he has done little or nothing to keep the elections safe. A slim majority think the president, who has repeatedly questioned Russian tampering in 2016, actually encourages foreign interference. This lack of voter confidence has unnerved lower-level election officials as the nation heads into what's expected to be a highly contentious presidential race with high levels of turnout.

## ['ELECTION MELTDOWN IS A REAL POSSIBILITY' IN 2020 PRESIDENTIAL RACE, AUTHOR WARNS](#)

### **NPR ('FRESH AIR')**

What if a blackout were to happen in a major city in one of America's swing states on Election Day 2020? Or if an error occurred while tabulating electronic ballots? How would the electorate respond if one of the candidates refused to concede the election? These are all scenarios that law professor and Election Law Blog founder Richard Hasen considered while writing his new book,

Election Meltdown: Dirty Tricks, Distrust and the Threat to American Democracy. "One reaction to calling the book Election Meltdown is that it's a little alarmist, but I'm going to own that and say, yes, I'm sounding the alarm — even if there's a small risk of this happening," Hasen says. Hasen adds that tight races are at most risk of interference: "There's something called the election administrator's prayer: 'Lord, let this election not be close,' because when it gets close, you start looking at all of the problems that can occur," he says. But 2020 may be shaping up to be a close election, and Hasen warns: "It's now 20 years after Bush v. Gore, and we haven't learned our lesson. An election meltdown is a real possibility — even if it's a small one."

*\*Related Story: [Will the 2020 Elections Be Fair and Safe from Meddling? Fasten Your Seat Belts, It's Going to Be Bumpy.](#)*

## THE CYBERSECURITY 202: THERE'S A NEW CROSS-COUNTRY EFFORT TO TRAIN ELECTION AND CAMPAIGN PROS ON DIGITAL SECURITY

### **THE WASHINGTON POST**

A team from the University of Southern California has embarked on a 50-state tour to give cybersecurity training to poll workers and state and local campaign staffers who will be the last line of defense against Russian hacking in 2020. The group, called the Election Cybersecurity Initiative, views itself as a bottom-up, grass-roots counterpart to national-level election security efforts led by the Department of Homeland Security in the wake of Russia's election interference in 2016. It's hoping to advise local election officials, Election Day volunteers, ground-level campaign door-knockers and even interns in both political parties who national officials are unlikely to reach. The group also wants to build a network of cybersecurity experts at universities across the nation who can help secure local races and polling sites.... The cross-country effort, which launched in Maryland this week, is yet another example of how the threat of hacking and disinformation is affecting every part of the elections and campaign process. The group, which is funded with a grant from Google, is modeling itself after an election campaign and using the tagline: "Our candidate is democracy."

## THE CYBERSECURITY 202: ELECTION OFFICIALS CONFIDENT ABOUT SECURITY DAYS BEFORE FIRST CONTESTS OF 2020

### **THE WASHINGTON POST**

Election officials are striking a confident tone about digital security at their final summit before caucus and primary season begins. But they're also planning for the worst, war-gaming how to handle any major hacks from Russia or other adversaries. "We're planning as if they're coming back," Chris Krebs, the Department of Homeland Security's top cybersecurity official, said on the sidelines of the conference hosted by the National Association of Secretaries of State. "The playbook's out there. It's not just about Russia. It's about anyone else that may want to get into this space." Krebs led more than 200 officials through a series of worst-case scenarios during the conference, testing how they'd respond and work together during a cyberattack or misinformation campaign targeting a primary or general election. Among the participants were representatives from 44 states, 15 election vendors and 11 federal departments and agencies, a DHS spokeswoman said. The conclusion: Officials are far better prepared than in 2016 when Russian hackers probed election infrastructure across the nation and upended Hillary Clinton's campaign by hacking and releasing emails and flooding disinformation onto social media.

## HOW REPUBLICANS MADE MILLIONS ON THE TAX CUTS THEY PUSHED THROUGH CONGRESS

### **VOX**

When the price of Apple stock hit a then-record high in October 2018, among the shareholders counting their gains were 43 Republicans in Congress, who collectively owned as much as \$1.5 million worth of the tech giant's shares. Apple's stock jumped 37 percent in its runup to that record. Several variables were behind the climb, including higher-than-expected earnings. But congressional Republicans themselves had a hand in the spike, stock analysts say. Legislation they championed — the 2017 Tax Cuts and Jobs Act — doled out nearly \$150 billion in corporate tax savings in 2018 alone. One effect: a big boost in stock prices. Cutting tax rates for companies like Apple and hundreds of other stocks they own was one of many ways Republican lawmakers enriched themselves after they passed the tax law, according to a Center for



Public Integrity analysis of the 186-page law and members' financial disclosure forms. Democrats also stood to gain from the tax bill, though not one voted for it; all but 12 Republicans voted for the tax bill.

## TRUMP ALLIES ARE HANDING OUT CASH TO BLACK VOTERS

### **POLITICO**

Allies of Donald Trump have begun holding events in black communities where organizers lavish praise on the president as they hand out tens of thousands of dollars to lucky attendees. The first giveaway took place last month in Cleveland, where recipients whose winning tickets were drawn from a bin landed cash gifts in increments of several hundred dollars, stuffed into envelopes. A second giveaway scheduled for this month in Virginia has been postponed, and more are said to be in the works. The tour comes as Trump's campaign has been investing its own money to make inroads with black voters and erode Democrats' overwhelming advantage with them. But the cash giveaways are organized under the auspices of an outside charity, the Urban Revitalization Coalition, permitting donors to remain anonymous and make tax-deductible contributions. The organizers say the events are run by the book and intended to promote economic development in inner cities. But the group behind the cash giveaways is registered as a 501(c)3 charitable organization. One leading legal expert on nonprofit law said the arrangement raises questions about the group's tax-exempt status, because it does not appear to be vetting the recipients of its money for legitimate charitable need.

## CONGRESSIONAL CANDIDATE'S GAMBLE: RISK BREAKING LAWS — OR THE BANK

### **THE CENTER FOR PUBLIC INTEGRITY**

Nabilah Islam is 30 years old, saddled with student loan debt and, for the moment, a professional congressional candidate. A Democratic political operative until last year running to represent Georgia's competitive 7th District, Islam no longer enjoys employer-provided health insurance or, because of competing living costs, any health insurance at all. So Islam on Monday asked the bipartisan Federal Election Commission to provide an official answer to her novel question: May she use congressional campaign funds to purchase health



insurance for herself — without violating prohibitions on using campaign cash for personal expenses? Islam won't soon know: the FEC doesn't have the minimum number of commissioners — four — to decide. It hasn't since Sept. 1. President Donald Trump, who alone is empowered to nominate new FEC commissioners, has neither offered the U.S. Senate nominees to fill three vacancies on the six-seat commission nor replaced the three remaining commissioners who've overstayed their terms by a collective 30 years. In the meantime, the FEC shambles into Election 2020 incapable of taking high-level action, whether that's penalizing campaign finance crooks of any political stripe or, in Islam's case, providing legal guidance to a political actor attempting to comply with federal law.

## [HOUSE CANDIDATE ASKS FEC TO LET HER USE CAMPAIGN FUNDS FOR HEALTH INSURANCE](#)

### **THE HILL**

Nabilah Islam, a progressive Democrat running for a House seat in Georgia, is asking the Federal Election Commission (FEC) to let her use campaign funds to purchase health insurance. Islam, 30, said the ban on using campaign funds for health insurance creates hurdles for working-class Americans to overcome if they wish to run for office. "Running for Congress, running for office, is cost prohibitive," Islam told The Hill. She said if the United States wants a government that includes people who are not wealthy, it needs to change the rules of the game. "What we need is more working-class candidates running for office, and removing structural barriers that prevent them from running for office in the first place," she said. Islam plans to file her request with the FEC next week. She'll argue that many working-class Americans choose not to run for office because of the financial impediments, according to a copy of her request shared with The Hill. Candidates are prohibited from using campaign funds for personal use under federal election laws... Expanding the permissible uses of campaign funds, including for health insurance, was proposed under the For the People Act, or H.R. 1, that was passed by the Democratic-controlled House last year. The bill was not passed by the Senate, where there is a GOP majority.



## WHERE THE 2020 DEMOCRATIC PRESIDENTIAL CANDIDATES STAND ON MONEY IN POLITICS

### **WMUR**

Money's influence in elections as well as government policies and laws is leading Democrats to offer their ideas for how to fix what several have been calling a broken system. With the Supreme Court's landmark Citizens United decision in 2010, which ruled that corporations and unions can't be restricted from independent political spending, many Democrats are proposing ways to reform how campaigns benefit from donations.

## ELIZABETH WARREN'S PLAN FOR DISINFORMATION PICTURES BIG TECH AND GOVERNMENT SHARING THE BURDEN

### **GIZMODO**

Casting a spotlight on the U.S. government's lack of preparedness for handling the deluge of disinformation circling the 2020 elections, White House hopeful Senator Elizabeth Warren on Wednesday released a [14-bullet-point plan](#) for combating the spread of disinformation on social media—should she win the day. The federal government, Warren said, has taken few, if any, real steps to steel itself against the same tricks employed by malicious foreign actors during the 2016 election. The efforts of social media companies such as Facebook to secure their own platforms have been, she said, “no more than nibbles around the edges: periodic purges of inauthentic accounts, banning political ads on some platforms, and slow, inconsistent fact-checking.” “The same fundamental threats to our election remain,” Warren said.

### [VOTING WILL BE EASIER IN A KEY STATE FOR THE PRESIDENTIAL RACE](#)

#### **THE NEW YORK TIMES**

If a voter accidentally casts a ballot in the wrong precinct, should it be counted? Should early voters be able to give their sealed ballots to someone else to drop in the mail or deliver to a polling place? In Arizona, the answer to both questions has been a resounding “no” — until this week. On Monday, a federal appeals court ruled that those restrictions, in a state with some of the nation’s more stringent voting rules, should no longer stand. The result? In Arizona, which is seen as a battleground in the presidential race this fall, many voters will find their ballots considerably easier to cast and less likely to be excluded from election-night tallies. In the past, Arizona voters who cast ballots in the wrong precinct had their votes thrown out. And since 2016, the state has outlawed a popular voting aid — letting campaign workers and other outsiders collect voters’ early ballots for delivery to polling places. Democrats and voting rights advocates had argued that the rules made voting too hard, especially for minorities.

### [HAND RECOUNTS OF GEORGIA’S PAPER BALLOTS BARRED BY ELECTION PROPOSAL](#)

#### **THE ATLANTA JOURNAL-CONSTITUTION**

Secretary of State Brad Raffensperger has repeatedly said paper ballots will give Georgia voters “a physical recount.” But under a proposed elections rule, the only physical part of the recount would occur when poll workers feed ballots into the machines. The rule calls for recounts to be conducted by ballot scanning machines that read votes encoded in bar codes. Election officials won’t review the ballot text to check the accuracy of vote totals until the state develops auditing rules. Election integrity organizations say recounts of paper ballots should be done by hand to help ensure that the printed text matches votes tabulated from the bar code.

## CALIFORNIA OKS HIGHLY QUESTIONED LA COUNTY VOTING SYSTEM

### **THE ASSOCIATED PRESS**

California's secretary of state on Friday approved Los Angeles County's new publicly owned computerized voting system — a first of its kind for the nation — but is requiring modifications to address serious security and technical problems identified in testing. Secretary of State Alex Padilla is also requiring that all polling stations offer voters the option of using hand-marked paper ballots in the March 3 presidential primary in the nation's most populous county. His office also notes in a statement on its conditional certification that an estimated 63% of county voters will be voting by mail using hand-marked paper ballots during the primary. Election security experts says all U.S. voters, unless hindered by disabilities, should use hand-marked paper ballots that are available for audits and recounts. Instead, only about 70% do, and elections in the U.S. are dominated by three voting equipment and services companies that control nearly 90 percent of the market. Their black-box touchscreen systems have been widely criticized by computer scientists as highly vulnerable to tampering.

## VOTING BY PHONE GETS A BIG TEST, BUT THERE ARE CONCERNS

### **THE NEW YORK TIMES**

More than a million registered voters in the Seattle area can now cast a ballot for an obscure election using a smartphone or computer. Organizers are calling the pilot program the largest mobile voting effort in the country.... The vote in King County, Wash., which includes Seattle, will fill an open spot on the board of the King Conservation District, an agency that manages natural resources. Beginning this week, eligible voters will be able to use a smartphone or computer to log into a portal created by Democracy Live, a Seattle-based company that receives government funding. "There's no special app, there's no electronic storage of votes. Instead a voter's choice is recorded onto a PDF, which they then verify before submission," Ms. Wise said in an email on Thursday. Once the ballots are received, the board will follow the same processing protocols that are used for mail-in ballots.



## KEY OPINION

### [ALAN DERSHOWITZ FOR THE DEFENSE: L'ÉTAT, C'EST TRUMP](#)

#### **THE NEW YORKER**

An hour into the Senate trial of Donald John Trump on Wednesday, the emeritus Harvard law professor Alan Dershowitz came to the floor to answer a question from a former Harvard law student, Senator Ted Cruz, of Texas. In theory, it was a question that went to the heart of the impeachment case against Trump, about the President's imposition of a quid pro quo on military aid to Ukraine and whether his motivations mattered. Dershowitz had something larger and more profound to say, however: Donald Trump has the power to do just about anything he wants to do, and there's nothing that the U.S. Senate can or should do about it. For more than a week, House managers prosecuting the impeachment case against Trump have argued that the Senate's failure to convict him would make Trump an unaccountable leader; in effect, a dictator or a king. When Dershowitz spoke, it was as if he completely agreed with them. Two days earlier, Dershowitz had told senators that Presidential "abuse of power" should not be considered an impeachable offense under the Constitution. On Wednesday, he took that further—much further.... Dershowitz was offering Trump—and all future Presidents—a free pass. His argument seemed unbelievable: as long as the President thinks his reelection will benefit the country, he can do anything in pursuit of it without fear of impeachment. Really?

### [WHY DEMOCRATS STILL HAVE TO APPEAL TO THE CENTER, BUT REPUBLICANS DON'T](#)

#### **THE NEW YORK TIMES (OP-ED BY EZRA KLEIN)**

... One of the few real hopes for depolarizing American politics is democratization. If Republicans couldn't fall back on the distortions of the Electoral College, the geography of the United States Senate and the gerrymandering of House seats — if they had, in other words, to win over a majority of Americans — they would become a more moderate and diverse party.... A democratization agenda isn't hard to imagine. We could do away with the Electoral College and gerrymandering; pass proportional representation and

campaign finance reform; make voter registration automatic and give Washington, D.C. and Puerto Rico the political representation they deserve. But precisely because the Republican Party sees deepening democracy as a threat to its future, it will use the power it holds to block any moves in that direction. The alternative to democratizing America is scarier than mere polarization: it is, eventually, a legitimacy crisis that could threaten the very foundation of our political system.... It is not difficult to envision an America where Republicans consistently win the presidency despite rarely winning the popular vote, where they typically control both the House and the Senate despite rarely winning more votes than the Democrats, where their dominance of the Supreme Court is unquestioned and where all this power is used to buttress a system of partisan gerrymandering, pro-corporate campaign finance laws, strict voter identification requirements and anti-union legislation that further weakens Democrats' electoral performance. Down that road lies true political crisis.

## [DARK MONEY STACY IS SO DISAPPOINTING](#)

### **THE GAZETTE (OPINION)**

"Stacy" is a mom, wife and teacher who apparently lives in 11 different congressional districts across the country. At least that's what it seems if you watch TV ads being run by American Action Network targeting Democratic members of Congress, including Iowa 1st District Rep. Abby Finkenauer. Stacy is unhappy with Democrats in New York, Pennsylvania, Maine, New Jersey, Nevada, Virginia and Utah, simultaneously. She's portrayed as a constituent of all of these Democrats hailing from districts carried by President Donald Trump in 2016.... What's also disappointing is we really have no idea who's bankrolling this ham-fisted fakery. We know American Action Network is spending \$2.5 million on these ads nationwide, but as a "social welfare organization" under IRS rules, the network can keep its donors secret. Finkenauer voted for H.R. 1, which would require super PACs and dark money groups to disclose all donors, among other important reforms. The bill would require social media platforms to disclose the source of money paying for political ads, strictly prohibit any shady coordination between candidates and super PACs and restructure the Federal Election Commission so that it actually can settle disputes. The commission, incidentally, has deadlocked 3-3 twice on the issue of whether American Action Network should register as a political committee. H.R. 1 also calls for a

constitutional amendment to defang the U.S. Supreme Court's Citizens United ruling, which opened the floodgates on undisclosed political cash. But H.R. 1 is stuck in the Republican Senate, speaking of an issue that could have been addressed long before impeachment. Senate Majority Leader Mitch McConnell won't take it up. Secretive millionaires have a true friend in McConnell. Democracy, not so much. If Finkenauer's likely Republican challenger, state Rep. Ashley Hinson, has any ideas for reforming our dark-money-spewing ATM of a political train wreck, she hasn't yet shared them.

## PRO-CON: DO WE NEED VOTER ID LAWS?

### **KIRKSVILLE DAILY EXPRESS (OPINION)**

Voter ID requirements represent just one of many tools in a big bag of tricks conservatives rely upon to circumvent normal democratic processes and manipulate electoral outcomes. Other favorites include closing polling places in communities of color, restricting voting opportunities on college campuses, engaging in discriminatory voter purges, restricting voting rights for justice-involved people and adopting exact-match signature requirements for absentee voting. Although not unique to conservatives, gerrymandering is another preferred ploy, as is opposing common sense campaign finance limits. And when their attempts to keep people from voting fail, Republican legislators resort to blatant power grabs like those witnessed in Michigan and Wisconsin in the aftermath of the 2018 elections. Conservatives have long relied upon voter suppression and anti-democratic strong-arm tactics to preserve their own power. This is why it was so richly ironic when Sen. Mitch McConnell, R-Kentucky, who has personally pushed for voter ID requirements at the federal level, penned a January 2019 op-ed condemning H.R.1, the For the People Act, as a “naked attempt to change the rules of American politics to benefit one party.” In fact, the act, which passed with the support of every House Democrat but (tellingly) no Republicans, would actually remove barriers to voting by undoing or neutralizing many troublesome policies — such as voter ID laws — conservatives have advanced as part of their real, decades-long power grab.

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